IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5650 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRATIMABEN C BHUPTANI

Versus

SECRETARY

Appearance:

1. Special Civil Application No. 5650 of 1991

MR DC SEJPAL for Petitioner No. 1

MR HRIDAY BUCH for MR ND NANAVATI for Respondent No. 1-2

MS SONAL VYAS AGP for Respondent No. 3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 31/07/2002

ORAL JUDGEMENT

#. Against the impugned order (Annexure-A) dated

11.3.1991 passed by the learned Tribunal, this petition is filed by the present petitioner.

#. From the impugned order passed by the learned Tribunal, it is clear that there is a gross delay of about three and half years to four years in filing the application for which no explanation whatsoever was offered. On that ground, if the Tribunal refuses to exercise its discretion in favour of the petitioner in the application filed by the petitioner before it, then certainly this court will not interfere with such discretionary orders in its supervisory jurisdiction under Article 227 of the Constitution of India and that too after a period of more than 11 years, more particularly, when the petitioner has already been in service since 1990 in other institution.

#. In view of the above, this petition is dismissed. Rule discharged with no order as to costs.

(B.J.Shethna, J.)

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